

**Notice of Public Meeting
Town of Superior
Regular Council Meeting
Thursday, January 5, 2011-7:00 P.M.
Superior Senior Center
360 Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

Mayor Valenzuela called the meeting to order at 7:09 p.m.

B. SALUTE TO THE FLAG

Mayor Valenzuela led the salute to the flag.

C. OPENING PRAYER

Council Member Chris Tomerlin led the opening prayer.

D. ROLL CALL

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla "Kiki" Peralta, Mayor Jayme Valenzuela, Vice Mayor Olga Lopez; **Absent:** N/A

E. CONSENT AGENDA

1. Approval of minutes for work session meeting of December 15, 2011
2. Approval of Minutes for regular council meeting December 15, 2011

MOTION: Council Member Peralta moved to approve the consent agenda. Vice Mayor Lopez seconded.

VOTE: The motion carried unanimously.

F. CALL TO THE PUBLIC:

Freddie Miramon: Believes 2012 will bring changes to the town. He believes appropriate actions will follow. He will pray for town leaders to demonstrate excellent leadership for 2012.

Sonnie Samson: The town is a small business. If the town had information easily accessible at a glance, would their finances be in the shape they are today? Regarding the transfer dump, the town cleans the trash and where is it? It is in the town's illegal dump. The town should insist that the dump be cleaned and make a deal with the owner of the existing transfer station and try to get it open again. Also, the town should ask for the town manager's resignation. He also brought a street sign that he found lying next to 201 W. Main. He is asking Jed Lant of Public Works to put the sign back. Also, code enforcement could be easily enforced by looking for construction without the red building permit.

Sue Anderson: On behalf of Chamber of Commerce reminded everyone of the upcoming home tour Jan. 28-29. She encouraged council members to get the public out.

Bill Holmquist: Thanked Mayor and Council for putting Main Street on agenda and for work being done on Main Street and across the highway. Streets and alleys are looking good. Also he pointed out property tax disparity. They know who pays big property taxes and they know who is not. He owns Porter's and it costs him \$7,000 a year in property tax. He also owns Uptown Café and it is \$3,000 in property taxes. Sun Sets is at \$5,000, so he is at \$15,000 for three of his buildings. Another building he recently purchased is

approximately \$1,800, so he is at \$17,000-18,000 for four of his buildings. He doesn't think some of these other investors pay \$2,000 for 40 building. The taxes are wrong.

Pete Casillas: As a parks and rec volunteer he wanted to ask the town's approval for the First Friday program. They will have activities for all ages on the 1st Friday of the month. He asked for permission for the Besich Park/Food Court area. Basically they will have activities for the youth and get activities for all ages out there. Probably this would be from 5-9 p.m.

Vice Mayor Lopez: Asked Mr. Casillas when they would start First Friday. He said with approval, this Friday.

Curt Williams: Read excerpt regarding City of Globe audit and discussed how Superior did not need to be in arrears.

G. COMMUNICATION

1. Manager's report—Deputy Town Manager Lou Digirolamo

a) BHP letter on project update reference Northwest Study Area Tailings Removal Project

Deputy Town Manager Digirolamo referenced a December 16 letter from BHP Copper Inc., headed "Project Update #6." Mayor Valenzuela asked about a property on Paisano where work was not to be done until the property was clean. Had they done code enforcement? Mr. Digirolamo said Lieutenant Campbell had gone to express the concern. They were not sure where the property was. The mayor said to the left of the little house. Lt. Campbell said they had shut the site down for the holidays and when back he would get contact information. Council Member Aguilar commented on an area that looked like a jungle. There was a general discussion and Lt. Campbell said he would go through and look at all the areas and get all the information.

b) Letter of Support for the LOST Event February 18, 2012

Deputy Town Manager Digirolamo referenced letter from Mila Lira, Legends of Superior Trail Project Manager. There would be events and tours up and down the trail. The letter asks for people to attend the February 18 event and also asks for donations.

c) Status of properties on Main Street

Fire Operations Chief Todd Pryor reported on Main Street properties' status. This included Iberry, Sprouse-Reitz, clothing store, 417 Main, Main & Stone, tin shed behind, Superior Bar, et al. There was a general discussion and Chief Pryor responded to questions. Council Member Gutierrez asked that the Superior Bar owner be requested to paint the boarded up area black. He reminded them of the two-edged sword as they pursue this that they are going to be losing some icons, specifically if you look at Iberry. He understands that the stones were brought over from Old Pinal, so if demolished did the town make an effort to recover the stones. Would the owner agree that they recover the stones and store in a different location to use in a different manner or would they end up in the trash pile? He likes what they are doing, they are kind of forced into it, but it is a two-edged sword. There are only some things they can do from a legal standpoint. Bill Holmquist in the audience disagreed and said they had to do something as they are going to collapse either way. They need some help as a group with mayors and Pinal County. Mr. Gutierrez said he is not even beginning to suggest doing nothing. Chief Pryor said the Iberry is a key issue. It is in such decline.

Mr. Digirolamo reported on the Magma. About three months ago the architect had shown architectural renderings of what the hotel would look like. They were taking it to Planning and Zoning for variances and verbiage but everything came to a halt. Because of the update on Main Street buildings, he had contacted the attorney and received no response. He was able to contact the architect who said the owner would be in town on Monday and set up a meeting and is ready to proceed on the Magma Hotel and the Uptown Theater. He will update them at the next council meeting.

H. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Discuss/Approve/Reject—Recommendation to bring Town unpaid bills current and curtail spending, distribution of Urgent Needs funding from Resolution Copper Mining for calendar year 2012

Mr. Digirolamo said it is time to request up to \$100,000 of Urgent Needs funding from Resolution under the Mutual Benefits Agreement. The only requirement is that the council decides how those funds are spent.

Rita Wentzel of the Finance Department said it is self-explanatory. They had talked in detail during the work session. There are two parts: find immediate funding and curtail spending.

Mayor Valenzuela said he remembered from the work session some of the money already being allocated elsewhere, how much was that? Mr. Digirolamo said there was \$22,000 for the Magma Club heating and cooling. Part of that, somewhere between \$5,000-\$6,000, would be returned through the Energy Efficiency Grant but had to be expended first. Also there was approximately \$15,000 in insulation and that all would be returned after being first expended. The council voted last year to allocate \$50,000 for a police vehicle. That is on order and should be nearly \$34,000. So there has been allocated approximately \$50,000. Mr. Gutierrez said he didn't remember allocating any monies for 2012 for a police vehicle He thought it was done in 2011. Mr. Digirolamo said it was done last year when they got the \$200,000 from Resolution Copper. The car has been ordered and was on back order. Mr. Gutierrez said but not from this 2012 distribution? Mr. Digirolamo said correct. The car was authorized in 2011 but won't be paid until 2012. Mr. Gutierrez said not out of the 2012 request? Ms. Wentzel said the money should have been restricted and put away. What has happened is it has been spent. Mr. Gutierrez said the money was allocated out of the 2010-2011 request, correct? Ms. Wentzel said, "Yes."

Mr. Gutierrez said what she was saying is the money was never put aside to cover the cost of that vehicle. Ms. Wentzel said yes so when the vehicle arrived it would need to be paid for. Mr. Gutierrez asked if it was spent at direction of council. Ms. Wentzel said she is not sure whether it was by direction of council or just trying to stay afloat and pay the bills. Mr. Gutierrez said either way you look at it they voted on funding a vehicle and staff made a decision or someone made a decision not to hold back that money. Ms. Wentzel said that was correct and that is what they need to understand in getting finances under control, how municipal funding works. If council members make a decision, those are restricted funds. They should not be making that decision if those funds are not available to be put away immediately and not to be used for anything else. They haven't done that in the past. Mr. Gutierrez said the public should understand that this was a request for funding that was allocated and not used properly for 2012. Ms. Wentzel said it is not only Urgent Needs funding, it is grant funding. There is a lot of work to be done.

Mr. Gutierrez asked the council if any of them were aware of this. Council Member Tameron said he wasn't here at that time. Council Member Aguilar said they had agreed that it was going to come out of last year's funding. Mr. Gutierrez said then that, other than the mayor, are they just becoming aware of it that day? Vice Mayor Lopez said it was the first they knew about it. He said it was the first he heard about it. Mr. Tameron said it was the first he heard about it.

Mayor Valenzuela said of the \$100,000 what were they going to have left to put toward their bills? Ms. Wentzel said in the past few days she has entered about \$90,000 of new bills. The money does not come in as fast as the bills come in. So the \$90,000 of bills is just to keep utilities current, Verizon, Qwest or Century Link, water, Southwest Gas, just operating expenses. Revenue is coming in but not something like the Urgent Needs will be. To answer the mayor's specific question, probably only half of the \$50,000 will be applied to the outstanding bills. There are a few months prior to December that they are finding and those come first. As the deputy town manager has indicated, there is about \$50,000 in commitment they don't see in that list. Those bills aren't there yet.

Council Member Peralta asked if they could cancel the vehicle order. Mr. Digirolamo said they'd have to ask council about cancelling orders. Mayor Valenzuela asked if they have directed staff to go back and see what they have out in restricted funds yet, to go back in the council minutes. Mr. Digirolamo said yes, they would do that.

Mr. Gutierrez said he would like to know regarding staff making that decision on the expenditures. If staff made the decision independently, that is one story. But if staff made that decision because there was direction by that body (council) by one or all or a few, that is a different story. Mr. Digirolamo said he could share from June 2011. He remembered they had the Mutual Benefits Agreement that was dated January 2011, from Resolution Copper. The money was allocated four ways: \$50,000 for the Magma Club, \$50,000 toward the police vehicle, \$50,000 to wastewater, \$50,000 to the school for town hall. The money was expended for the Magma Club, the school, and then there were day-to-day operating expenses. They used the money to stay afloat and pay bills, salaries that were due.

Mr. Gutierrez said okay he got that. They were sitting there short of funds and what Mr. Digirolamo was saying was that staff made that decision to expend the funds without direction from council. Mr. Digirolamo said that after June he made the decision or they expended monies to keep the budget going, keep the town going. Before that, he would have to go back to the minutes. Mr. Gutierrez questioned as to whether that was a staff function or was it necessary to come back to that body. He was not sure. Mr. Digirolamo said that as Ms. Wentzel had said, that shouldn't have been approved, or put away, for that police vehicle. The ac/heating doesn't apply because that was never voted on as the Magma Club was actually a little bit over budget. So they are just talking about the police vehicle and at that time they didn't in finance put that away because they wouldn't have made the payrolls at times. During the summer, it got to the point where they would have had to borrow from their emergency funds just to make payroll or get no cash flow during the summer months. Mr. Gutierrez said that would have been a monetary crisis, wouldn't it have been normal for staff to call an emergency meeting and explain the situation. Is that the process? Are they getting too much into the minutiae. Mr. Digirolamo said yes and no. If they remembered the budget for that year they allocated \$20,000 for a police vehicle so they are only \$14,000 short, not \$50,000 short. Mr. Gutierrez said but not out of the \$100,000 they are going to make the request for because it would never have happened that way because they would never have had the opportunity even to discuss it. How does staff project \$20,000 into 2012 when they hadn't had the opportunity to even discuss it. Mr. Digirolamo said he was saying in the budget of 2011-2012 there is \$20,000 for a police vehicle.

Vice Mayor Lopez said that \$20,00 was in the expenses not the revenue. She was confused. Ms. Wentzel said Ms. Lopez was correct. Mr. Aguilar said if it had come to them at that time they would have said they can't get the vehicle. Mr. Gutierrez said either that or they would have changed the restricted funds and moved it over to need because the need was to pay bills.

Ms. Lopez asked if they actually had a ledger that said restricted funds or when that money comes in. Mayor Valenzuela asked Ms. Wentzel if it was correct that she was creating that now. She said it was correct. It hadn't happened in the past and she thought part of that was because even though they have had some excellent finance people on board, they don't have the experience to really

understand restricted funds. They are setting a ledger aside for that. They are getting the minutes and seeing what they committed to restricted funds and then perhaps, deferring to counsel here, re-evaluating or altering the motions they initially made so that they can get back in balance.

Mr. Gutierrez said it occurred to him that spending of restricted funds has probably been going on a lot longer than they wanted to admit to. He thought it was good now they totally understand the process but this is not an issue that all of a sudden popped up. He thought there has been a culture of that going he can't tell how far back because he has heard other things, doesn't have time to go look at them, but this is a culture that they are trying to change. Ms. Wentzel said that was correct. The first time they saw it was in the audit from 2009 where they saw it in the HURF audit and then in the excise audit where Pinal County has identified some issues. Prior to the 2009 audit everything has been within its respective fund. Ms. Lopez asked if when Ms. Wentzel was with the town before they were holding the restricted funds back, was that correct? Ms. Wentzel responded in the affirmative.

Mr. Gutierrez asked hypothetically what happens if there is no emergency funding from any source. What would the town have to do. Ms. Wentzel said the answer to that is ugly. Today they had 60 percent of their staff budget in salaries. They only have 40 percent to pay bills. The answer is to curtail spending but in reality when you have salaries that are 60 percent, the answer is staff layoffs. She does not want to see that happen and she doesn't think they anybody there does. She would like to look to other revenue streams. Mr. Gutierrez said that based on that scenario of not having any other funding, they would probably not be able to entertain having parks and rec, the economic development corporation, maybe even the senior center. Someone said, "... the library." Ms. Wentzel said those are the areas that might be in jeopardy because they are not required by a municipal corporation. She discussed further options including staff and benefit cuts.

MOTION: Council Member Peralta moved to allocate the use of revenues, funding, balances whatever is left over after what is earmarked to bring accounts payable to current status and direct staff to meet with Resolution Copper officials as soon as possible to address the council's decision and to initiate the distribution of funds and to curtail immediate and future expenditures excluding those that are necessary to meet the town's day to day operational and the request from Resolution for \$100,000 and use a purchase order system and to request prior authorization for any charges. Debit card purchases may be approved only by town manager or deputy. Council Member Tameron seconded.

Mayor Valenzuela asked how many people within the town have a debit card. Mr. Digirolamo said no one. The ex-mayor had a card and the current card that they have is used by employees if they get permission by their supervisor. The mayor said he thought that would be curtailed now by the purchase order. Mr. Digirolamo said yes. The only reason he is keeping the card is they would be able to still run the town if something breaks in the middle of the night that they have to buy.

VOTE: The motion carried unanimously.

2. Discuss/Approve/Reject—Appointment of new Superior Parks & recreation Volunteer Board Members and reaffirmation of current Volunteer Board Member(s)

Pete Casillas of the Parks and Recreation Board introduced board members. He said there was one vacancy on the board. Mayor Valenzuela asked if this had been publicized. Parks and Recreation Director Barbara Arriola, from the audience, said yes. Mr. Casillas discussed Parks and Recreation activities and new hours at Roosevelt School. Council Member Aguilar commented that hopefully a parent would step up and volunteer.

MOTION: Council Member Tomerlin moved to approve the appointment of new Superior Parks & Recreation Volunteer Board Members and reaffirm current board members. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

3. Presentation by Larry Jochai, Orion Recycling, regarding the Superior Transfer Station

Larry Jochai of Orion Recycling presented a proposal. He had read an Arizona Republic story about Snowflake that provides energy for homes by burning wood. He would like to do a feasibility study on producing energy by burning green waste from the transfer station. ADOT has been bringing green waste in to the transfer station. They take no responsibility for managing it and it is left to him. He incurs expenses. In the event his contract is renewed, he would like to hire someone in March that would help him do the research and at the same time they would start to process the green waste before fire season. They assume the responsibility but have limited authority as to what is brought in, who brings it in and what the cost of handling it is.

Council Member Aguilar asked who okayed ADOT to bring that green waste in. Mr. Jochai said he could not be sure. He had asked ADOT if they would shred it. At that point they discontinued coming in. Mr. Aguilar said ADOT had a shredder. Mayor Valenzuela asked how Mr. Jochai was paid by ADOT. Mr. Jochai said he had no idea. Vice Mayor Lopez asked if they paid him directly. Mr. Jochai said he was going to have the responsibility for a fire hazard but had no authority. Jed Lant said they worked with ADOT who gave them materials. He did okay them to put in a couple of loads but found out it was more than a couple of loads and he called the foreman and it stopped.

4. Discuss/Approve/Reject—Continue contract with Orion Recycling for the Superior Transfer Station.

Mr. Gutierrez said he knew Orion was now on month-to-month. He asked about the terms of the original contract. Mr. Jochai related his understanding from a discussion with the former mayor that the town would generate one 40-yard dumpster of trash per month. He has seen as much as one 40-yard container in a day. They have several hundred thousand dollars invested with the hope to have a long-term, comprehensive recycling center at the transfer station. What has happened is that people have taken the liberty, for example, when the theater was demolished, several hundred tons were brought into the transfer station. At one point the former town manager made it known to him that he did not own the facility and his responsibility was to take whatever was brought in by the town. That was not his understanding about the original contract. He wanted his facility to succeed. Even today with all the circumstances he feels they have a great opportunity to have a facility that will benefit the town and the people who use it. The green waste will have to be addressed before fire season. They are willing to assume the responsibility but they cannot do that if an unregulated amount of trash is brought in that they are to dispose of. The town has not incurred any of those expenses. Orion appreciates the opportunity to build their business. Trash brought by the town to offset the use of the facility can be quantified. Why don't they decide on a number that will be allowed for the town, after that the town will be responsible for it. He would need better control.

Mr. Gutierrez said it is hard to evaluate these expenses without seeing a list. Mr. Jochai said he submitted these to the town. Mr. Gutierrez said that did not help him. He also said that maybe the council could let him know if he was off base, prior to this, the town was doing burns. There was not a lot of green. It seemed to him the operation was more sterilized. Mr. Aguilar asked if Mr. Jochai was saying that he had three piles and all three belonged to the town. Mr. Jochai said for the most part yes. Mr. Aguilar said Mr. Jochai was saying he is charging them \$500 per dump truck and it is piled up there so how is that smart business. The piles are there. He is still seeing all those piles and Mr. Jochai is saying that they have done that and they owe him for all those piles. How is that good business. Mr. Jochai said it was not and that is what he is trying to rectify. He said regarding the green waste that he had probably removed 40-45 containers of firewood out there and they could go out there tomorrow and the residual would still be there. They have not burned for 2.5 years. They burned

three times and not since. There was a mountain of ash and he has been distributing that for firewood and processing the ash with dirt and he has just about taken care of that.

Jed Lant said the trash has been there for years. Mr. Tameron asked why nothing has been done with it. Mr. Jochai said there have been three clean-up days where he participated and everybody from all around the vicinity dumped their trash there. He complained to the town manager who said he did not have to participate. That was the end of the free clean-up days. Ms. Lopez said on the clean-up days they have taken the trash to the dumpsters, not put in piles. Mr. Jochai said no that was in Albo's yard. But before it was brought out to the transfer station and put on the ground when he was there. Mr. Tameron asked Mr. Lant if he remembered that. Mr. Lant said he remembered as Sue Anderson had given the reports. Mr. Digirolamo said that as long as he has been there, Allied Waste had given them the bin. Mr. Jochai said he disagreed.

Ms. Lopez referred to a profit and loss statement from Orion from last year. It showed a profit for Orion. They had a contract from July, 2008, have they ever received any money from Orion? The point she was making is that on that contract it stated that Orion would pay 2 percent of total gross income from dumps and recycling on a quarterly basis. Ms. Wentzel said this was the first time they had seen a profit and loss statement. However, there have been no receipts.

Mr. Digirolamo said if there were a new contract there would have to be a bond. He asked Mr. Jochai to say whether he can obtain a bond. Mr. Jochai said in trying to secure a bond he had been asked whose trash that was. He had said the town brought it in. He said no insurance company would bond him under those conditions.

Mayor Valenzuela said Mr. Jochai was not able to get a bond because he is saying the town has dumped too much trash there and no one will bond him. Mr. Jochai said he could not get a bond that would cover Orion's activity and the Town of Superior. How could he be responsible for what comes in the town's trucks. Mayor Valenzuela said in the past pictures have been taken by the town staff that the piles grew. Mr. Jochai has taken income in. Everything is for profit. He is in business to make money. Mr. Jochai said wood doesn't go for profit. Mayor Valenzuela said that he has been out there numerous times and never seen Mr. Jochai so he didn't know how he could make a comment that he sees everybody who goes out there. Mr. Tameron asked if Orion was a nonprofit. Mr. Jochai said they were a joint venture with the Town of Superior.

Attorney Wencker called their attention to the agenda to approve or reject the continuation of the contract. His recommendation was to vote solely on that contract. If they would like to see things like a bond requirement or other additions he would recommend staff put on the next agenda.

Mayor Valenzuela said in the interim in good faith or to move forward could they terminate the contract. It is already terminated but the month to month. Let Mr. Jochai go in and clean the yard up as a requirement to move forward and then see what they can come up with in a contract.

Attorney Wencker said yes but he did not believe that Mr. Jochai is on month to month. His contractual terms had expired. Currently Orion is the tenant of that property on month to month. Mayor Valenzuela added: "And cease the operation now of buying and receiving goods in the interim." Attorney Wencker said there is no authority for that now. There was further discussion, including whether they could even take a vote on it because of the word "continue."

MOTION: Council Member Peralta moved to table the item and bring it back at the next meeting.

Council Member Gutierrez asked if tabling was the right thing to do. Ms. Peralta said they could not do anything else.

She restated her motion to table and bring back at the next meeting and just allow things to go on as they had with the recommendation that he start cleaning up the transfer station.

Mr. Jochai said he didn't understand. Ms. Peralta clarified and restated her recommendation that he start cleaning up.

Mr. Gutierrez said the motion is just to table it, right? Ms. Peralta said yes, cleaning was just her recommendation.

Attorney Wencker clarified they could approve or reject continuing the contract and asking that staff bring back a contract. He took Ms. Peralta's comment that regarding cleaning as a recommendation not part of the motion.

Council Member Tomerlin seconded the motion to table. **VOTE:** The vote was 5-2 opposed to the motion. Council Members Peralta and Tomerlin voted yes. Council members Gutierrez, Tameron, Aguilar, Mayor Valenzuela and Vice Mayor Lopez voted no. The motion to table failed.

Attorney Wencker advised they could reject the continuation of the contract but a new contract could be brought back to the next meeting if desired.

MOTION: Council Member Gutierrez moved to reject Item 4. Council Member Tameron seconded.

The mayor asked if operations ceased if they terminate. Attorney Wencker said they could only vote on the agenda. But they could direct staff.

VOTE: The motion carried with a vote of 5-2 in favor of rejecting. Council Members Gutierrez, Tameron, Aguilar and Peralta and Mayor Valenzuela voted yes. Council Member Tomerlin and Vice Mayor Lopez voted no.

Mayor Valenzuela said he would be directing the deputy town manager to meet with Mr. Jochai.

5. Presentation by Todd Pryor regarding the feasibility of expanding Town's current Certificate of Necessity

Chief Pryor presented a draft application to the Arizona Department of Health Services. Queen Valley currently has Southwest Ambulance. Superior has had two very hard years. If Superior could increase the number of runs annually it would make it more likely it could achieve a break-even point. Queen Valley generates approximately 200 calls a year and 80-100 transports a year. That would increase Superior's revenue somewhere between \$70,000 and \$150,000 for that area. There was further discussion

Mayor Valenzuela said he had a lot of questions. How are they going to support for their own residents when their ambulance leaves town? He had major issues with going to Queen Valley.

Chief Pryor said they had budgeted for a second ambulance. It is not going to happen this year. They have an old unit and they have put the money into keeping it running. Eventually they are going to have to buy another one, not this year or next. They are going to be looking for grant money.

Council Member Tameron said back when they were a fire district, he was secretary-treasurer. They did the research. They went out to Top of the World, Queen Valley, the Divide and they came back and found it was not feasible. Personal opinion: Superior's tax dollars would be supporting Queen Valley. Let them come into town limits and pay taxes.

Chief Pryor said he agreed. All they were looking for was the ability to present the numbers to them.

6. Discuss/Approve/Reject—Fire Department evaluation of expanding the Town’s current Certificate of Necessity with Arizona Department of Health Services

MOTION: Council Member Gutierrez made a motion to move forward for the fire department to continue the evaluation of expanding the current Certificate of Necessity based on the discussion they had. Council Member Tomerlin seconded.

Mayor Valenzuela commented that he agreed about information but disagreed about going out to Queen Valley. Their fiscal responsibility is to the taxpayers of this community. Expanding operations out there in a budget crunch right now would not be feasible for them at this time. He understood it is just going to be an informational item and if that is all it is going to be, that is going to be one thing. But for him personally their fiscal responsibility is for the people of the town. For them to get the information would be great and move forward from there.

Vice Mayor Lopez asked about the time frame for submittal to the ADHS after application submittal. Chief Pryor said it was fairly quick, depending.

Mayor Valenzuela said they would not be submitting anything until the information was brought back to them. Chief Pryor agreed. Mr. Gutierrez said the information would provide data if annexation were being considered. Mayor Valenzuela said he understood. Regarding comments about annexation, he referenced Superstition Vistas. As long as this is an informational item, he is fine with it. Mr. Tameron commented that he has nothing against the fire department. It is just that he has done it before. He would like to see what comes out of it. Chief Pryor said if he came back and the numbers did not make sense, he would say he did not recommend it. Mr. Tameron asked if they could get into a contract with Queen Valley so they would pay them to do it. Chief Pryor said the QV fire district and EMS are separate. Superior could be paid by the insurance companies for transports but the fire district is currently getting that for free from Southwest.

VOTE: The motion carried unanimously.

7. Discuss/Approve/Reject—Abatement of property at 957 S. Stone Ave.

Deputy Town Manager Digirolamo introduced Town Attorney Chad Niven who has been handling this. Attorney Niven explained the property has been in foreclosure for approximately \$25,000. He has papers to do a sheriff’s sale. He explained options. He said the 6-month right of redemption has passed. He recommends going through with the sale.

MOTION: Council Member Aguilar moved to allow the foreclosure to take place. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

Attorney Wencker said that regarding the agenda language what he is taking that motion as it “rejecting the abatement.” Vice Mayor Lopez said yes.

8. Discuss/Approve/Reject—Set rental fees for the Magma Club beginning February 1, 2012

Mr. Digirolamo said they were not renting the Magma Club before February 1 other than the CAAG Regional Conference taking place on January 25 and the Home Tour 28-29. Due to the lateness of the hour and that they had an executive session, this item and Item 9 could be tabled.

MOTION: Vice Mayor Lopez moved to table Item 8. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

9. Discuss/Approve/Reject—Liability insurance requirements for renters during events at the Magma Club

MOTION: Council Member Tomerlin moved to table Item 9. Council Member Tameron seconded.
VOTE: The motion carried unanimously.

10. Discuss/Approve/Reject—Consideration of employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Town Manager Melanie Oliver

Attorney Wencker there were two executive sessions and it made sense to do those first. Council Member Tomerlin made a motion to go into executive and Council Member Tameron seconded. Attorney Wencker advised stating which session they were going to enter and specify who was to be included. Ms. Oliver had advised him she was suffering some health issues and left but was available by telephone. The deputy town manager was calling her now. The decision was made to go into executive session on ARS38-431.03 (A-3) first. They returned to open session and waited until Ms. Oliver had returned, then entered executive session on (A-1) and returned to open session again.

MOTION: Vice Mayor Lopez moved to table Item 10. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

I. EXECUTIVE SESSION:

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

MOTION: Council Member Tomerlin moved to enter executive session referencing ARS38-431.03 (A-3) allowing the town council members, the deputy town manager, both town attorneys and minute taker Cindy Tracy into the executive session. **VOTE:** The motion carried unanimously.

The motion was made at 10 p.m. and the public left the meeting room at 10:09 p.m., at which time Council moved into executive session. They returned to open session at 10:55 p.m.

MOTION: Council Member Tomerlin moved to enter executive session pertaining to (A-1) allowing the mayor, town council, town attorneys, deputy town manager, Ms. Melanie Oliver and minute taker Cindy Tracy into it. **VOTE:** The motion carried unanimously.

The motion was made at 11:05 p.m. Council returned to open session at 11:14 p.m.

J. COUNCIL COMMENTS

Council Member Peralta: No comment.

Council Member Aguilar: No comment.

Council Member Gutierrez: Looking for a productive 2012.

Council Member Tomerlin: No comment.

Council Member Tameron: No comment.

Vice Mayor Lopez: Need to put change of hours on agenda but if it is done and everyone knows their role it works for her. Also they are having a Presidential Preference Election on February 28 so she hopes people come out to vote.

Mayor Valenzuela: Happy New Year to everyone and let's look forward to a happy and productive 2012. Also, they did meet with Pinal County regarding animal control and the IGA is being drawn up for them now to enter into an IGA with Pinal County. Also they have been approved under their building permit IGA.

K. ADJOURNMENT

MOTION: Council Member Tameron moved to adjourn. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 11:20 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 5th day of January 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Lou Digirolamo _____d

Deputy Town Clerk/Police Chief

These Minutes were compiled and transcribed by

Cindy Tracy

An Independent Contractor.

(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)